

Beys, Stein & Mobargha LLP

Michael P. Beys

February 15, 2012

TO BE FILED UNDER SEAL

BY FACSIMILE (718) 613-2236

AMC/USDC

The Honorable Brian M. Cogan
United States District Judge
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

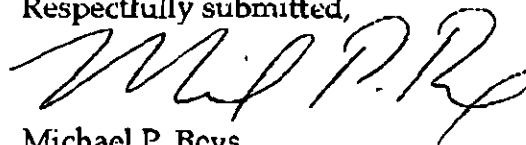
Re: United States v. John Doe, 98 CR 1101 (ILG)

Dear Judge Cogan:

We represent defendant John Doe in the above-captioned matter and respectfully submit this letter to seek a brief adjournment of the show cause hearing that Your Honor has scheduled for February 21, 2012 at 2:15 p.m. The basis for the adjournment is that I will be out of the country the entire week of February 20 (Monday is a holiday) and will not be available to appear on February 21. In the event that there will be any testimony taken or other evidence presented, I would like to be present at the hearing.

I have spoken with your chambers and have been advised that Your Honor will be available on February 27 and 29. I have also spoken with Assistant U.S. Attorney Todd Kaminsky, who is available on those dates as well and consents to this adjournment request. We therefore request to adjourn until either of those two dates. Attached please find an amended Order to Show Cause.

Respectfully submitted,



Michael P. Beys
Counsel for John Doe

cc: The Honorable I. Leo Glasser, U.S.D.J.

Todd Kaminsky, Asst. U.S. Attorney

Richard Lerner, Esq., Counsel for Richard Roe

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN DOE

Defendant.

98 CR 1101 (ILG)

FILED UNDER SEAL

AMENDED ORDER TO SHOW CAUSE FOR FINDINGS OF CIVIL CONTEMPT

Defendant John Doe, by his attorneys Beys, Stein & Mobargha LLP, having moved this Court for relief hereinafter described.

NOW upon the accompanying letter of Nader Mobargha, dated February 10, 2012, and its attached exhibits ("February 10th Letter"), it is hereby

ORDERED, that Richard Lerner, Esq., and Richard Roe, an attorney, show cause before the Honorable Brian M. Cogan, United States District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201 on 2/27 at 10:00 AM, Courtroom 8D, or as soon as thereafter as counsel may be heard, why they should not be held in civil contempt of the Court of Appeals' February 14, 2012 Summary Order (the "Summary Order") for their disclosure of sealed information to *The New York Times* in violation of the Summary Order.

ORDERED, that Messrs. Lerner and Roe show cause at the above hearing why an order should not issue requiring them to make a cash payment in an amount to be determined: (a) as a sanction for their noncompliance with the Summary Order and (b) for reimbursement to John Doe of his reasonable attorney's fees and costs incurred in this application for findings of civil contempt;

ORDERED, that personal service of a copy of this order and the February 10th Letter upon Richard Lerner on or before February ¹⁶~~15~~, 2012 shall be deemed good and sufficient service thereof;

ORDERED, that Messrs. Lerner and Roe's papers in opposition to John Doe's motion, if any, shall be served by hand on Beys, Stein & Mobargha LLP, counsel for John Doe, on or ²¹before February ~~15~~, 2012 at 5:00 p.m. (with courtesy copy hand delivered to the Court in Chambers), and that John Doe's reply papers, if any, shall be served by hand Mr. Lerner by no later than ^{February 24, 2012.}~~5:00 p.m. (with a copy for Chambers) the day before the return date provided by this~~
~~order;~~

ORDERED, that all papers related to the instant motion are hereby scaled;

ORDERED, that a copy of all papers shall be served on Assistant U.S. Attorneys Elizabeth J. Kramer and Todd Kaminsky of the United States Attorney's Office for the Eastern District of New York.

Dated: New York, New York
February ¹⁵, 2012



Honorable Brian M. Cogan